

Marilyn J. Kamm
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Department of Law
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Alaska Bar No. 7911105
Attorney for Defendants Hyden
& Henry

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

CHARLIE J. DAVIS, JR.,)
)
Plaintiff,)
)
vs.)
)
ZELMER HYDEN, ET AL.,)
)
Defendants.)
)

Case No. 3:02-cv-214-JKS

AFFIDAVIT OF MARILYN J. KAMM

STATE OF ALASKA)
)
FIRST JUDICIAL DISTRICT)

I, Marilyn J. Kamm, being first duly sworn, depose and state as follows
on personal knowledge:

1. I am counsel for defendants in the above-referenced matter.

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2. The fair market value of my legal services is at least \$150.00 per hour. I have been licensed to practice law, and have practiced law in Alaska, for over twenty-five years.

3. The Assistant Attorney Generals who represent the Department of Corrections do not record the time they spend on any lawsuit. I estimate that I spent approximately 138.2 hours in defending this lawsuit after filing my Reply to Opposition to Motion to Dismiss. I also believe that this estimate is low, and that I probably spent much more time than my estimate. 138.2 Hours X \$150.00/hr = \$20,730.00.

<u>Date</u>	<u>Work Performed</u>	<u>Hours</u>
11/21/05	R&R Initial Report and Recommendation	.5
12/8/05	Draft Objections to Report and Recommendation	5
12/12/05	Draft e-mail and receive response to Bodick re settlement offer; draft rejection of settlement offer	.5
1/18/06	Draft e-mail to counsel	.1
1/27/06	Receive e-mail from counsel	.1
	R&R order denying motion to dismiss	.3
1/30/06	Draft letter to counsel re stipulation, draft stipulation	.3
1/31/06	TC Luban, draft e-mail to counsel, receive response from counsel; draft letter to Henry re depo	.5
2/1/06	Draft letter to Hyden re depo	.3
2/3/06	Receive e-mail from counsel	.1
2/16/06	Draft fax to Bodick re settlement letter	.1
2/17/06	Draft fax to Dr. Luban re settlement letter,	.3
2/24/06	LMTC Hyden, Luban, Henry; draft e-mail to Luban; draft fax to counsel; draft letter to counsel re his client's proposals,	3
2/27/06	Receive e-mail from Luban; draft notice of deposition of Davis; draft e-mail to counsel re deadlines; draft letter to Henry re rescheduled depo, draft fax to Dr. Luban re rescheduled depo; receive fax from counsel re rescheduled depo	2
3/20/06	Draft & receive e-mail to/from Hughes; draft e-mail to counsel re stipulation	.3

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2	3/22/06	E-mail and response to/from Bodick; receive e-mail from Counsel, draft stipulation	.3
3	3/23/06	Receive order granting stipulation	.1
4	3/28/06	Draft fax to counsel, draft e-mail to Dr. Luban, draft and receive e-mails from counsel; draft letter to counsel, TC DOC pharmacist, research DOC P&Ps regarding prescription medication	5
5	4/17/06	Draft stipulation for extension of time	.2
6	4/21/06	ATC Hyden, Henry	.2
7	4/24/06	ATC Henry & Hyden; Draft Offer of Judgment, draft letter to counsel, fax to counsel; e-mail PA Hale	1.5
8	4/25/06	ATC Henry, TC Henry, ATC Hyden, Draft fax to Henry re: meeting on 4/28; e-mail Dr. Luban & receive his response; receive e-mail from Hale, draft e-mail to Hale; draft e-mail to Ms. Hyden re mtg with husband	5
9	4/26/06	Draft e-mail to McGinty; fly to Anchorage; Meet with Dr. Luban to prepare for depo, prepare for depos	7.5
10	4/27/06	Attend depositions of Mr. Hyden & Dr. Luban	4
11	4/28/06	Meet with Mr. Henry re: deposition, attend	3
12		Deposition; R&R order granting stipulation, R&R e-mail from McGinty	
13	4/29/06	Draft Response and Supplemental Response to First Discovery Request, fax to counsel	.5
14	5/1/06	Draft & receive e-mail to/from counsel, draft fax to Luban re discovery requests and minutes, draft fax to Hale	1
15	5/2/06	Draft & receive e-mail to/from Luban re minutes	.4
16	5/3/06	Draft & receive e-mail to/from counsel re time of Davis depo, Prepare for deposition	7.5
17	5/4/06	Prepare for deposition, depose plaintiff	6
18	5/8/06	Draft fax and response to second set of discovery requests	1
19	5/10/06	R&R fax to/from Hale, draft & receive e-mail from counsel	.4
20	5/11/06	R&R letter from counsel to Hyden with mileage	.1
21	5/12/06	R&R letter from counsel to re-open discovery, notice of depo of Hale, Third Set of Requests for Production, draft fax to Hale with affidavit, finalize affidavit, legal research	7.5
22	5/15/06	Draft letter to counsel regarding request to re-open discovery, Legal research, draft motion for summary judgment	7.5
23	5/16/06	Draft stipulation for extension of time, draft mtn for s.j.	7.5
24	5/18/06	R&R order withdrawing referral, R&R notice re; motion for summary judgment, finalize mtn for s.j.	1
25	5/19/06	R&R Motion for discovery to reopen, notice to counsel re motion	.1
26	6/5/06	R&R notice of filing of stipulation	.1

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2	6/6/06	R&R order granting stipulation	.1
3	6/7/06	Draft opposition to motion for discovery	6
4	6/9/06	Draft and finalize opposition to motion for discovery, affidavit of counsel	3
5	6/19/06	R&R reply to opposition to motion for discovery	.3
6	7/6/06	R&R order granting motion for discovery, draft e-mail to Hale, draft fax to Luban with discovery requests	1.5
7	7/10/06	Draft e-mail to Betts, e-mail to counsel and R&R response re stipulation	.5
8	7/11/06	Draft stipulation for extension of time, TC Luban re: no minutes	.5
9	7/12/06	R&R order granting stipulation, R&R e-mail from Betts	.3
10	7/21/06	Draft e-mail to Betts, draft and receive e-mails Hale, LMTC Nagel, TC Sharon Wessels re: minutes, draft letters to Hyden and Henry re: minutes	2
11	7/24/06	R&R e-mail from Superintendent Betts, draft letter to counsel re documents 494 & 495, receive fax and documents from Sgt. Weatherup, receive fax & documents from Christine Lewis	3
12	7/27/06	Draft e-mail to Paul, R&R Notice of depo of Hale, draft letter and fax to counsel re documents 496-502	.6
13	7/28/06	Draft letter to counsel with grievance log	.3
14	8/1/06	Draft fax to Hale	.1
15	8/16/06	Draft and receive e-mails from counsel	.2
16	8/22/06	LMTC Hale	.1
17	8/23/06	Draft faxes to Hale re deposition preparation, prepare for deposition	7.5
18	8/25/06	Meet with PA Hale regarding deposition, attend deposition of Hale	5
19	8/30/06	R&R e-mail from Paul	.1
20	9/6/06	Draft e-mail to Nagel, Dansby	.5
21	9/7/06	R&R e-mail from Nagel, LMTC Ruth Nagel, LMTC Dansby, TC Dansby, LMTC Gimm	.5
22	10/2/06	Draft stipulation for extension of time	.1
23	10/4/06	R&R Order granting stipulation	.3
24	10/13/06	R&R Opposition to Motion for Summary Judgment	.3
25	10/26/06	Draft reply	7.5
26	10/27/06	Draft & R&R e-mail to Nagel, draft reply	7.5
	10/30/06	Draft and finalize reply to opposition and supplemental opposition to motion for summary judgment R&R letter from counsel to Hale with mileage	7.5
	11/16/06	R&R Order granting Motion for Summary Judgment, Judgment	.1
	11/21/06	Draft Bill of Costs, TC Ida Romack, draft Notice of Cost Bill Hearing, Affidavit of Counsel	2
	TOTAL HOURS:		
			138.2

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2 Further your affiant sayeth naught.

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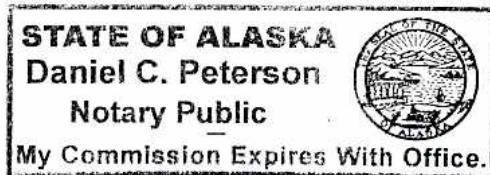
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SUBSCRIBED AND SWORN TO before me this 27th day of
7 November, 2006, at Juneau, Alaska.

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D.C.P.
Notary Public in and for the State of Alaska